

BILL NO. R-73-10-02

RESOLUTION NO. R- 70-73

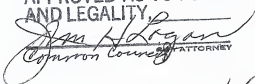
A RESOLUTION authorizing an appeal from the budget levy and tax rate fixed by the Allen County Tax Adjustment Board under Public Law No. 50.

WHEREAS, the Allen County Tax Adjustment Board has reduced the budget of the City of Fort Wayne, Indiana in such way as to render it impossible to carry out the governmental functions and responsibilities committed to it by law.

NOW THEREFORE, the appropriate officers of said City are authorized and directed to take all steps necessary to present an appeal from the budget levy and tax rate fixed by said Allen County Tax Adjustment Board to the Indiana State Board of Tax Commissioners with a view towards reinstatement of the tax rates and levies incorporated in the budget for 1974 heretofore approved by the Common Council.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY.

  
Common Council Attorney



Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: \_\_\_\_\_

CITY CLERK

Read the third time in full and on motion by Amiga, seconded by Talarico, and duly adopted, placed on its passage. Passed (~~1994~~) by the following vote:

AYES 7, NAYS 1, ABSTAINED 1, ABSENT R to-wit:

BURNS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 10-2-73

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. B-70-73 on the 2nd day of October, 1973.

ATTEST: (SEAL)

CITY CLERK

PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 3rd day of October, 1973, at the hour of 8:30 o'clock 4 M., E.S.T.

CITY CLERK

Approved and signed by me this 3 day of October, 1973, at the hour of 11:00 o'clock A. M., E.S.T.

MAYOR

PETITION OF APPEAL PURSUANT TO SECTION 12 OF  
PUBLIC LAW NO. 50, INDIANA ACTS OF 1973

The City of Fort Wayne, Indiana, a second class city organized and existing under the laws of the State of Indiana hereby appeals to the Local Government Tax Control Board for relief from certain limitations established under Section 3 of Public Law 59, Acts of 1973. Concisely stated, the reasons for this appeal are as follows:

1. The law requires that the property tax rate of the City of Fort Wayne fixed in 1973 for taxes payable in 1974 cannot exceed the rate fixed in 1972 for taxes payable in 1973.

2. The administration and common council which took office in Fort Wayne on January 1, 1972 established a tax rate at what they considered a minimum amount for the reason that they believed it more desirable to use their first year in office for the purposes of studying and examining the needs of the City than to launch immediately and without preparation into costly projects which might prove unnecessary.

3. Consequently, no major capital improvements of any kind were initiated in Fort Wayne during 1972, the number of persons employed by such city was reduced, pay raises were withheld from all officers and employees, equipment purchases were postponed in many instances and the maintenance of public facilities was severely restricted.

4. For the foregoing reasons, the tax rate established in Fort Wayne in 1972 for taxes payable in 1973 was an abnormally low rate and one which did not realistically reflect the future needs of said City. Further, said tax rate was lower than those previously established.

5. From the time the current administration and common council took office on January 1, 1972, they have conducted a great many studies of the current and future

needs of the City of Fort Wayne and, by the late fall of the year 1972, they felt themselves sufficiently advised so as to begin preparation of a budget for the tax rate to be established in 1973 for taxes payable in 1974. Much of the planning for such budget was carried out without regard to the provisions of Public Law No. 50 because such planning had been completed before the enactment of said Public Law.

6. Upon the enactment of said Public Law No. 50, the planning was reviewed and cuts were made wherever, in the opinion of the administration and the Common Council, such reductions could be carried out without crippling the government of the City of Fort Wayne in carrying out its responsibilities under the laws of the State of Indiana.

Accordingly, the budget which was adopted by the Common Council of said City had been reduced to its essentials. As passed, the budget was greater than the amount provided under Section 3 Public Law No. 50 in the following respects:

<u>FUND</u>	<u>1973 RATE</u>	<u>1974 RATE</u>	<u>INCREASE '73 to '74</u>
Sewer Relief	.0094	11.453	.1144
Fine Arts Foundation	-0-	.009	.0090
Emergency Medical Services	-0-	.066	.0660
Redevelopment District Capital	.006	.071	.0650
			<u>.2534</u>
			<u>.2534</u>

TOTAL - SUBJECT TO APPEALS

1973 Levy	3.59
Approved Net (1974)	<u>.2534</u>
	<u>\$ 3.8434</u>

1974 ACTUAL REQUEST \$ 3.837

7. The necessity for the increase in the taxes for the Sewer Relief Fund is that said fund had an excessive balance on January 1, 1973 of \$500,000, permitting the City to carry out the purposes of said fund with a tax levy of only .0094. Such work is essential if the City of Fort Wayne is to avoid costly, hazardous and frequent floodings and if it is to lessen the threat of pollution and the placing

of an undue strain on its sanitary sewer system by the continued disposition of storm water through said sanitary sewer system. In order for said City to provide a comparable appropriation to that available in 1973 the tax rate is 11.453.

8. No redevelopment projects have been initiated in downtown Fort Wayne for approximately 10 years. During such time, the central City has deteriorated to a point where the economic and social health of the entire City is seriously impaired. Stores, offices, warehouses, light industries and other business, commercial and manufacturing establishments have closed their doors and moved from said City to locations beyond the boundaries of said City. Redevelopment is essential to reverse this development and permit the City to tear down old, abandoned, dangerous and unsightly buildings and replace them with facilities which will attract private enterprises to downtown Fort Wayne once again. As a result of this requirement, the administration and the Common Council have determined that significant redevelopment activities are needed within the City of Fort Wayne and they established a tax rate for the Redevelopment Fund of \$.071 which is above the current levy of \$.006 by \$.065. This should be considered a new service for without the levy, the Department of Redevelopment could not carry out redevelopment activities and would become an executive department of the City with no function to perform.

9. The administration and the Common Council have determined that emergency ambulance service within the City is needed thus approving a budget for this new service of \$291,328 thereby adding to the City's tax rate \$.066.


10. The Fine Arts Foundation is in financial difficulty and has the statutory right to ask for City support. In response to a request for such support said Foundation was granted an appropriation of \$39,300 thereby

increasing the tax rate by \$.009 for this new service.

Respectfully submitted,

CITY OF FORT WAYNE, INDIANA

By

  
Ivan A. Lebamoff, Its Mayor

  
Winfield C. Moses, President  
of its Common Council

ACKNOWLEDGMENT AND ENDORSEMENT OF APPEAL  
BY MEMBERS OF COMMON COUNCIL  
OF CITY OF FORT WAYNE, INDIANA

Because of time limitations and uncertainties concerning the form of this appeal, it will not be possible to hold a meeting of the Common Council of the City of Fort Wayne prior to the submission of the appeal on October 1, 1973. However, a majority of said Council have stated that it is their desire that said City pursue such an appeal and a majority of members of said Council have read this petition and penned their signatures hereto in approval of the matters set forth herein.

<u>Eugene Kraus</u>	<u>William T. Hinges</u>
<u>Frederick A. Schmidt</u>	_____
<u>John Stuckels</u>	_____
<u>Samuel J. Talaris</u>	_____

# ORDINANCE CHECK-OFF SHEET

## INFORMATION REGARDING ORDINANCE

BILL NO.	<i>B-73-10-02</i>
ORDINANCE NO.	<i>B-70-73</i>
REGULAR SESSION	
X SPECIAL SESSION	<i>10-2-73</i>
APPROVED AS TO FORM AND LEGALITY	<i>Keller &amp; Logan</i>
BILL WRITTEN BY	
X DATE INTRODUCED	<i>10-2-73</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Hingua. Finance</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
X PASS	<i>10-2-73</i>
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

## CONTENTS OF ORDINANCE

COMMITTEE SHEET
X VOTE SHEET
PURCHASE ORDERS
BIDS
ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
COMMUNICATIONS FROM
ZONING MAPS
<i>Collection of papers -</i>
ABSTRACTS
TITLES
PRIOR APPROVAL LETTER

## COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS		X	
HINGA	X		
KRAUS	X		
MOSES	X		
NUCKOLS	X		
D. SCHMIDT			
V. SCHMIDT	X		
STIER	X		
TALARICO	X		

COMMENTS:

*Clinton*

X